

Appl. No.: 09/812,466
Amendment and/or Reply
To the Office Action of 25 November 2005

Page 6 of 9

3. REMARKS / DISCUSSION OF ISSUES

Claims 1-4, 5-11, 12-18, 20 and 21 are pending in the application. Claims 1, 8 and 15 are in independent form.

Unless indicated otherwise, claims are amended for non-statutory reasons: to correct one or more informalities, remove figure label number(s), and/or to replace European-style claim phraseology with American-style claim language.

I. Rejections under 35 U.S.C. § 102(b) and 102(e)

1. Claims 1-4, 6-11, 13-18 and 20-21 are rejected under 35 U.S.C. § 102(b) in view of *Zavislak, et al.* (U.S. Patent 5,836,877). These claims are also rejected under this section of the Code in view of *Ballantyne, et al.* (5,867,821). For at least the reasons set forth herein, it is respectfully submitted that these rejections are improper and should be withdrawn.

2. Claims 1-5, 7-12, 14-19 and 21 are rejected under 35 U.S.C. § 102(e) in view of *Singh, et al.* (U.S. Patent 6,816,842). For at least the reasons set forth herein, it is respectfully submitted that this rejection is improper and should be withdrawn.

A proper rejection for anticipation "...requires, as the first step in the inquiry, that all the elements of the claimed invention be described in a single reference." *In re Spada* 15 USPQ2d 1655, 1657 (1990). A necessary corollary to the test of anticipation is that "...the absence from the reference of any claimed element negates anticipation." *Kloster-Speedsteel AB v. Crucible, Inc.* 230 USPQ 81, 86 (CAFC 1986).

Atty. Docket No. US010392-01

Appl. No.: 09/812,466
Amendment and/or Reply
To the Office Action of 25 November 2005

Page 7 of 9

a. Zavislal, et al. and Ballantyne, et al. do not disclose an ultrasound diagnostic device

Claim 1 is drawn to a an image management system. The image management system includes an image acquisition device, *comprising an ultrasound diagnostic device*.

Claim 8 is drawn to a method for applying an electronic signature to a report associated with an image file. The method includes *acquiring an ultrasonic diagnostic image from an ultrasound diagnostic device*.

Claim 15 is drawn to a computer readable medium having a program for applying an electronic signature to a report associated with an image file, the program comprising logic for performing the steps of:

receiving an ultrasonic diagnostic image from an ultrasonic image acquisition device.

The reference to *Zavislal, et al.* discloses a digital camera having a lens to provide digital images of tissue garnered during surgery. In the description, a lesion on the tissue is analyzed. Based on a skilled examination of the images, a pathologist generates diagnostic reports, which are authenticated by a digital signature that may be a personal identification number, password or electronic representation of the pathologist's signature.

However, *Zavislal, et al.* does not disclose, nor does the Office Action assert, that the reference disclose an ultrasound imaging device or the garnering of an ultrasound image.

The reference to *Ballantyne, et al.* is drawn to an apparatus for distribution of medical services, entertainment service and medical records, etc. The Office relies on the disclosure of a personal digital assistant (PDA) that may be used to gather medical diagnostic data for the teaching of a diagnostic image using an image acquisition device. The reference lacks at least the disclosure of an ultrasonic image acquisition device and the acquiring of ultrasonic images therefrom.

Atty. Docket No. US010392-01

Appl. No.: 09/812,466
Amendment and/or Reply
To the Office Action of 25 November 2005

Page 8 of 9

b. Singh, et al. does not disclose associating one of the plurality of electronic signature files with the diagnostic image

In addition to the features noted above, claim 1 discloses a computer that: "*...includes logic for associating one of the plurality of electronic signature files with the diagnostic image.*"

By contrast, the reference to *Singh, et al.* discloses a method of electronic processing of business contract information. The business contract system 160 sells contracts and subscriptions, processes payments and performs similar functions. A license generator 164 generates a license file that contains a digital signature. The garnering of the digital signature is used to authorize a user to access a remote system. This is done using a creation module 170. Notably, the digital signature is not associated with a diagnostic image as claimed, but rather effects the authorization by a user to a licensed system.

Claims 8 and 15 include a similar feature to that of claim 1 above. Thus, Applicants submit that the reference to *Singh, et al.* fails to disclose at least one feature of each of claims 1, 8 and 15.

For at least the reasons set forth above, it is respectfully submitted that a *prima facie* case of anticipation has not been made. Thus, the rejection of claim 1 is improper and should be withdrawn. Allowance of claims 1, 8 and 15 and the claims that depend therefrom are earnestly solicited.

V. Conclusion

In view of the foregoing, applicant(s) respectfully request(s) that the Examiner withdraw the objection(s) and/or rejection(s) of record, allow all the pending claims, and find the application in condition for allowance. If any points remain in issue that may best be resolved through a personal or telephonic interview, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

Atty. Docket No. US010392-01

Appl. No.: 09/812,466
Amendment and/or Reply
To the Office Action of 25 November 2005

Page 9 of 9

If necessary, the Commissioner is hereby authorized in this, concurrent, and further replies to charge payment or credit any overpayment to Deposit Account Number 50-0238 for any additional fees, including, but not limited to, the fees under 37 C.F.R. §1.16 or under 37 C.F.R. §1.17.

Respectfully submitted,



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Atty. Docket No. US010392-01